p 491

C.F. 71.

19

Department of

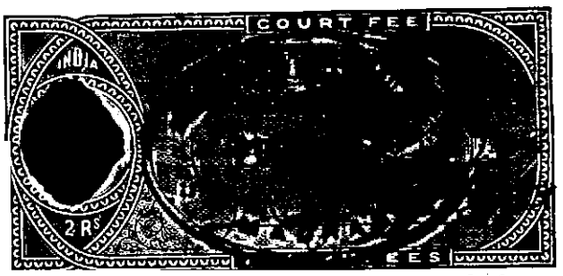
OFFICE.

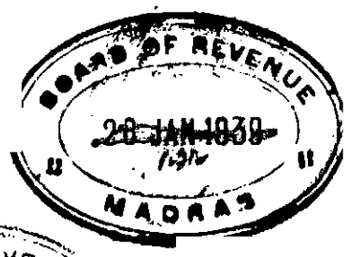
STATION

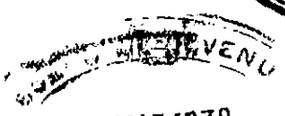
No. 504

Dated

(SUBJECT.)







6 - MAR 1939

MADRAS

Third Stamps

R.P 66

A 548

CFLRs 5/-

R.P 132

A 1113

Before the Honourable Members of the Board of Revenue,

Land Revenue Department, Madras.

Revenue Suit Second Appeal No. of 193

--

G.N.Subramania Ayyar, Karnam Deputy, Kollegal Village, Coimbatore District. Appellant.

Vs.

P.S.Ramanarasa Ayyar Respondent.

Second Appeal under Section 23 (1) Proviso of Act III of 1895.

The appellant above named humbly begs to prefer this appeal against the Judgment of the District Collector, Coimbatore in his R.Dis.4442/38. dated 26-10-1938 dismissing the appeal R.S.A.2/38. preferred by the appellant against the decisionof the Revenue Divisional Officer, Kollegal dismissing the suit of the appellant for the Karnam office of Gundegalam village, Kollegal Taluk and to state as follows:--

1. That the lower appellate Court's judgment is against law and is liable to be set aside.

2. That the Lower Appellate Court has not stated clearly and in sufficient detail as to how the appellant does not own the right to sue for the Karnam office in question.

3. That the 'revision' impliedly referred to in the judgment of the lower Appellate Court has not been properly proved in in the suit in the prescribed mode and form of letting in evidence

4. That the appellant's senior paternal uncle, Subbarayar who was dismissed in 1887 died only in 1937 and till his death, in more than one proceedings of the District Collector and the Revenue Divisional Officer, Kollegal the said Subbarayar

Subbarayar had been recognised as the last office holder, and consequently when he died, it is not right to say that the appellant has no right to sue for the office held by his uncle - the appellant's father remaining unqualified.

5. That the appellant's uncle Subbarayar had all along been recognised as the last office holder, is amply borne out by the orders in Exhibits B, C and 24 in the suit and the respondent's not taking any action either by suit or otherwise to set aside those orders within the prescribe period of limitation, would, in effect, amount to a recognition of the continuity of the lien of Subbarayar in the office till his death, and it is the latter in whose name the office in question stood registered in the books of the Revenue Divisional Officer.

6. That when the respondent's father P.R.Subbaraya died in 1925 and the respondent's son Rajasundaram was registered, in preference to the respondent, as minor, the respondent ought to be considered as having forfeited his right to succeed to the office later on, and even on this account the lower appellate Court ought to have held that the respondent's appointment was wrong, since a person who once forfeits his right to succeed to a village office does so ever afterwards.

7. That it will thus be seen that the lower appellate court has failed to take into consideration that the necessity to make the appointment in the present case arise in consequence of the death of the dismissed Subbarayar (in 1937) and that therefore the vacancy caused by his death had to be filled up by selecting the best claimant in his family.

In view of the above facts, the appellant humbly prays that the Board of Revenue may kindly be pleased to call for the records and peruse them and render justice by directing the appointment of the appellant in the

the Karnam's office of Gundegalam village.

Note.(1).

11 7-11 CF

Certified copies of the decision of the District Collector are attached.

Those of the Revenue Divisional Officer, Kollegal have been sent as enclosures to his appeal petition to the lower appellate court and consequently they form part of the records of that Court in its R.Dis.4442/38 R.S.A.2/38.

Note (2).

Excluding the time taken to apply for and obtain copies of the decisions of the lower appellate Court, the appellant submits that this, his second appeal, is in time.

G. Venkatasubbaiah

Appellant.

Kollegal.
Dated 27-1-1939.

Before the Board of Revenue, Land

Revenue Department, Madras.

G.N.Subramania Ayyar -- Appellant.

V
N.Dis 548/38 d. 7.2.38.

Returned

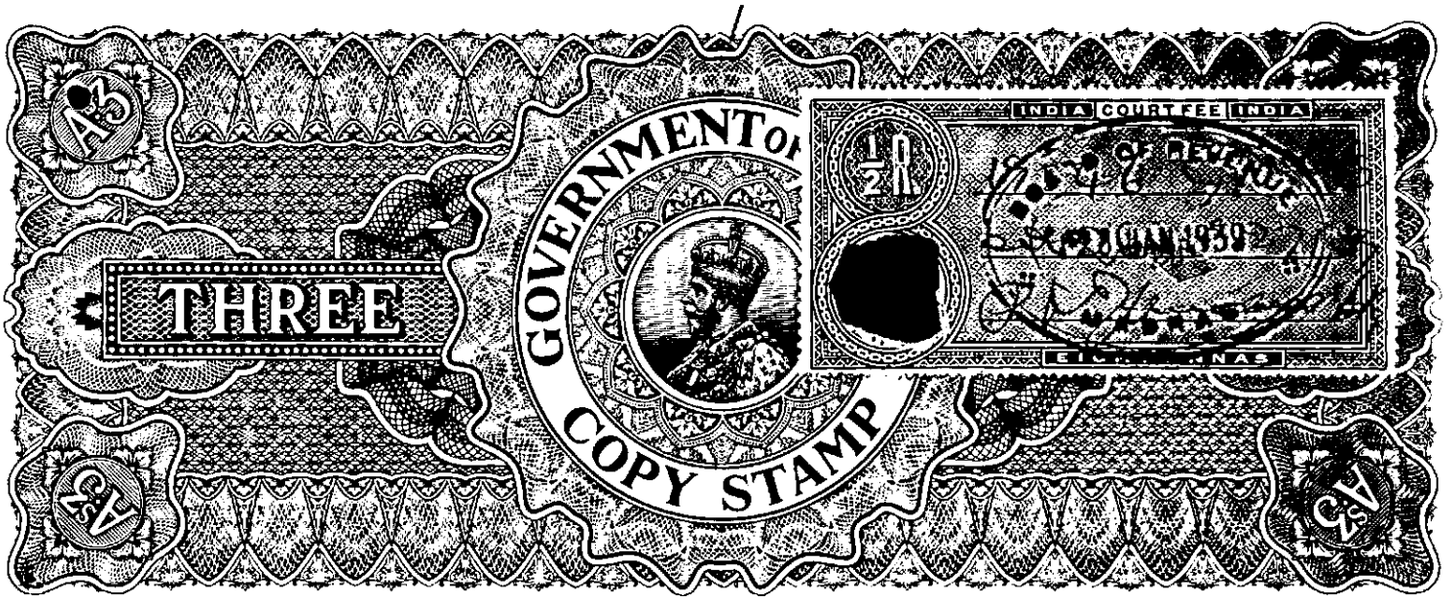
The petition should also be accompanied by the authenticated copies of the lower Courts' judgment and decree appealed against. Each affixed Court fee stamps at the rate of 0-8-0 for every 360 words or fraction thereof. As the petition is thus defective it cannot receive due consideration

Second appeal under Sec.23 (1) Proviso of the Madras Act III of 1895.

Dated 27th January 1937.

Address for service.

G.N.Subramania Ayyar,
Karnam Deputy,
Kollegal Village, Kollegal Taluk,
Coimbatore District.



In the Court of the District Collector, Coimbatore

R. Dis 4642/38
R.S. A. 2/35

Dy 26. 10. 38

Present:- A.C. Woodhouse Esq. C.I.E., Collector

Village officers - Kollegal Taluk Gundegal Village - Karnam office - Recovery - Suit - Appeal - Dismissed.

G. N. Subramanya Ayyar — Appellant (Plaintiff)

1. P. S. Ramanarasayyar
2. S. Nanjundaswami
3. Nanjundiah

} Respondents (Defendants)

Judgment. P. 862 FSO. 6/4/14

Under Board's Standing order 154 paragraph 7. and the Note thereunder the appellant has no right to sue for the office. Appeal is dismissed with Costs for respondents. Vakils for parties informed.

(Sd) A.C. Woodhouse

26.10.38

Collector

(True Copy) 4/4

Treasury Dy Collector

Roc no 102
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Compared by
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Application No. 213/38 for copy received	on	13·12·38
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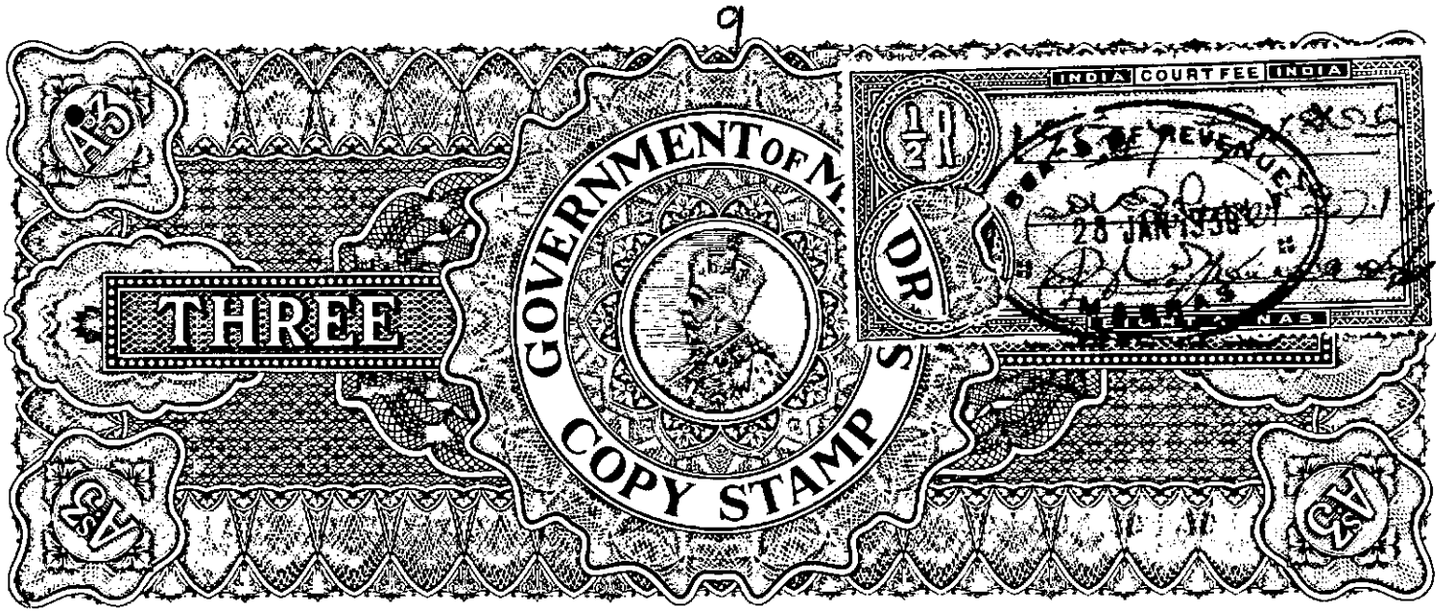

Decree

In the Court of the District Collector of Coimbatore.
Suit Appeal No. 2/38 against the judgment in O.S. 1 of 38 dated 22.7.38 of the Revenue Divisional officer, Kollegal.

Present: A.C. Woodhouse, Esq., C.I.E. Dt. Collector.

G.N. Sulaimania Ayyar . . . Appellant Plaintiff.

1. P.S. Ramanarasayyar.
2. S. Nanjundaswami
3. Nanjundiah

} Respondents (Defendants.)

This is a Suit appeal brought under Section 18 (1) Act III of 1895. The appeal coming on for final hearing on 26.10.1938, upon perusing the judgment and decree and other material papers of the lower Court and upon hearing the arguments of appellant's Vakil Sri T. Alasar Ayyangar, Bhavani, and the first respondent's Vakil Sri, T.A Krishnaswami Ayyar, Coimbatore this Court doth order and decree that the appeal be and the same is hereby dismissed with Costs for the respondents.

Particulars of Costs.

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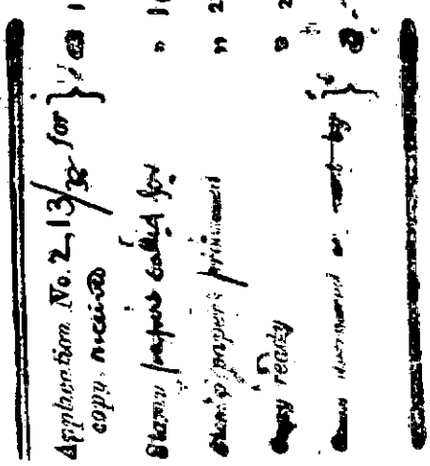
Kadiyam



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Dec 16. 2. 39
Rec 20. 1. 39

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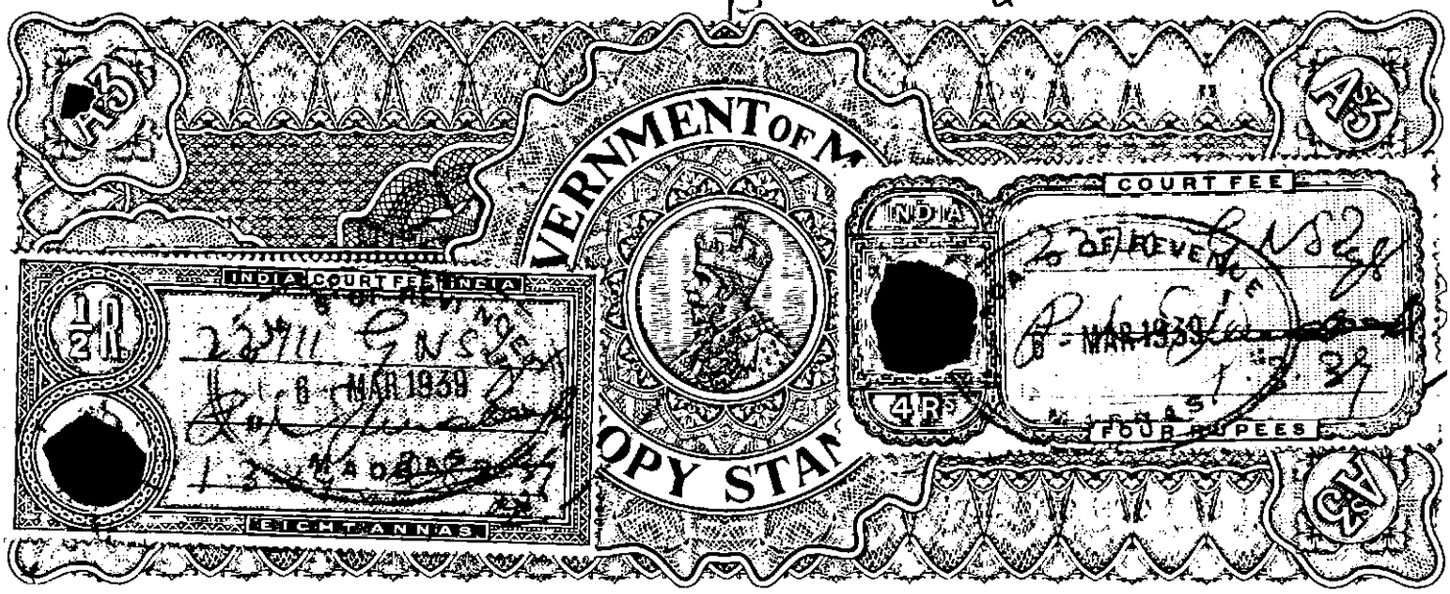

In the court of the Deputy Collector of Kollegal Division. the 15th day of July 1938.

Present:— Saiyid Mohammad Hamida Sahib Bahadur B.A: B.L:
Deputy Collector.

Revenue suit No. 1 of 1938. (Original No. 333–345 (H))

1 Sy. K. Subramania Ayyar son of Ramjendaiah, Karnam Deputy of Kollegal village ——— Plaintiff

1/ B. S. Ramaswamier, Karnam of Gundegal village, Kollegal Taluk (2) Ex Parte S. Ramjendramma son of Subbaraya, Srivaikundi Thirunaraipundi Taluk, Tanjore District (3) Ex Parte Ramjendaiah son of Subbaraya, Kollegal ——— Defendants

Subject of the Plaint.

This is a suit brought under section 13 (1) of Act III of 1895 Madras. The cause of action accrued on the 11th day of August 937.

Judgment. (528/34 (24))

This is a suit filed under section 13 (1) of the Madras Hereditary village officers Act III of 1895. the plaintiff wants to secure the office of the Karnam of Gundegal and Tirukanahalli group from the 1st Defendant, the present Karnam of the group. Defendants 2 and 3 are impleaded as parties as

161 (+ 1st sheet) Ex

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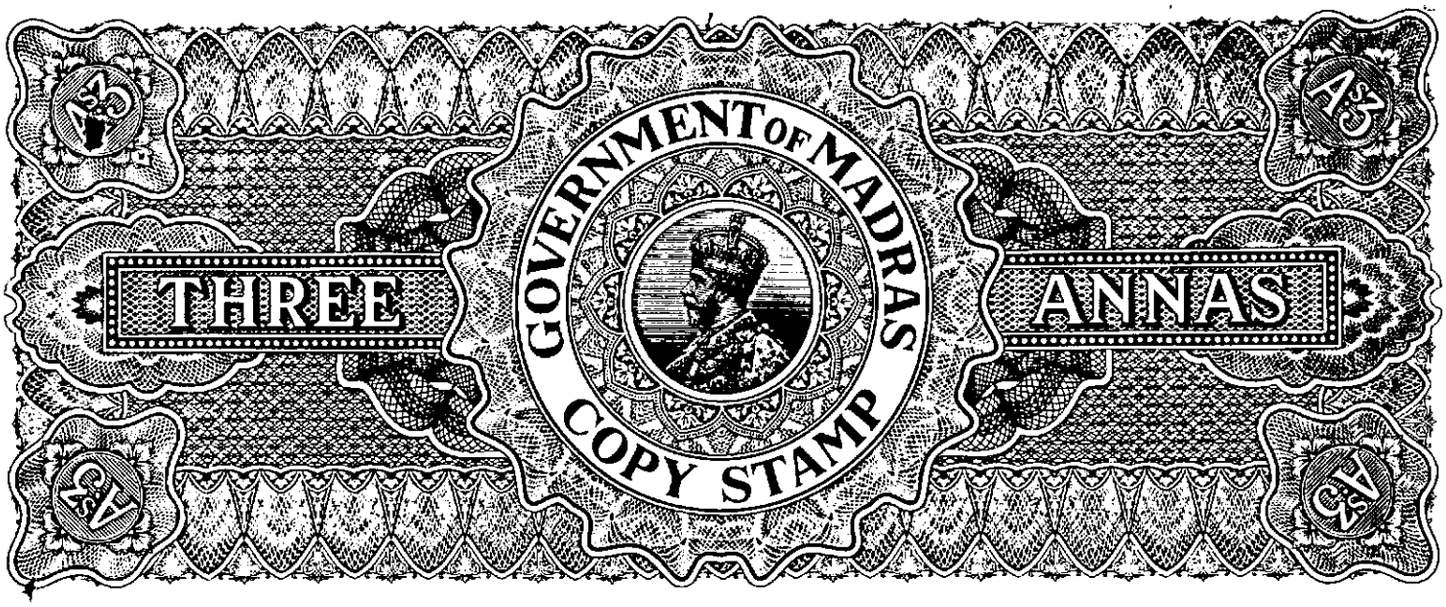

they are supposed to have interest in the office.

2. The facts as admitted by both the parties are these. The plaintiff is the brother's son of one Subbarayar. This Subbarayar was the Karnam of Gundagal village in the year 1887. He was dismissed from service in that year (Exhibit-C1) and in his place one G. Subbarayar was appointed. By that appointment order (Exhibit-1) it was stated that G. Subbarayar should hold office only during the life-time of the original Subbarayar and that after his death the office should revert to his family. — vide P. 9. (C)

In the year 1889 there was a revision of villages. Gundagal and Tirukonakalli were separate village before. They were grouped into one. G. Subbarayar was appointed Karnam (Exhibit-C2) — according to the plaintiff only during the life time of the original Subbarayar and according to 1st defendant permanently.

G. Subbarayar was dismissed from service in 1892 (Exhibit-7) and one P.R. Subbarayar, the father of the 1st Defendant was appointed on

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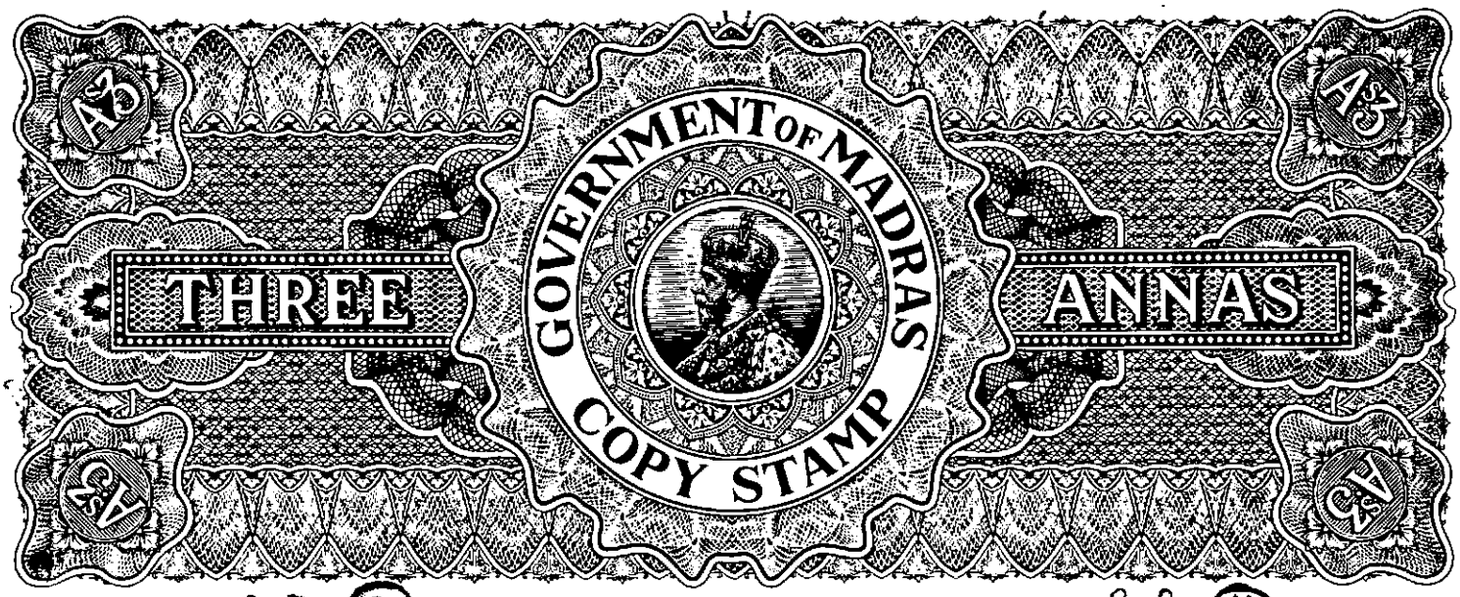

probation for one year and was confirmed in the P.8. (S) P.2 (M)
year 1893 (Exhibit-8 and 9). 1893 - 1924

P.R. Subbarayar was in office till his death in 1924. His grandson minor Rajasundaram was registered as heir in 1925 and the first defendant was appointed as deputy as he was not fully qualified for the post (Exhibit 23) Vide P/81. (H) p.1 cf (V1)

The minor Rajasundaram died in 1926 and the office was kept vacant. The original Subbarayar died p.3 cf (E) on 13-2-1937 and the office was filled up by the appointment of 1st defendant as Muraci Karnam on 11-8-1937 (Exhibit A). PP 191-192 (E) pp 23-31 (H)

3. It is against this order that this suit is filed the plaintiff contends that the permanent vacancy of the office arose only on 13-2-1937 when the original Subbarayar died that the plaintiff's claims being that of the nearest of kin to the deceased being his brother's son should have been preferred p.521 (Vol C) under section 10 (2) of the Act III of 1895 to that of the 1st defendant.

In support of his contention that the office fell vacant only after the death of original Subbarayar,

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GOVERNMENT OF MADRAS COPY STAMP THREE ANNAS

he relies on three important orders of the Divisional officer. The first is dated 28-3-1887 (P.85 (H)). It states as already remarked that S. Subbarayar should hold his post only during the lifetime of original Subbarayar (Exhibit-1). On Exhibit-B3 (P.79 (H)) suit no. 1/1913 filed by the plaintiff it was held that he had no cause of action till the original Subbarayar died. The last order (Exhibit-C P.83 (H)) was on 25-11-1926 the office proceedings in which it was stated that the plaintiff had cause of action only after the death of Subbarayar and that the registry of the minor Rajasundaram was not valid. Relying on these documents the plaintiff contends that the vacancy to the office arose only on the death of original Subbarayar and that as he is the brothers son legally entitled to succeed him he should have been appointed.

4. The 2nd and 3rd defendants are ex-parte. The 1st defendant the present office holder alone contests the suit. Both parties did not adduce any oral evidence but contented themselves by filing documents and argued the suit. The defendant pleads that vacancy to the office arose on the

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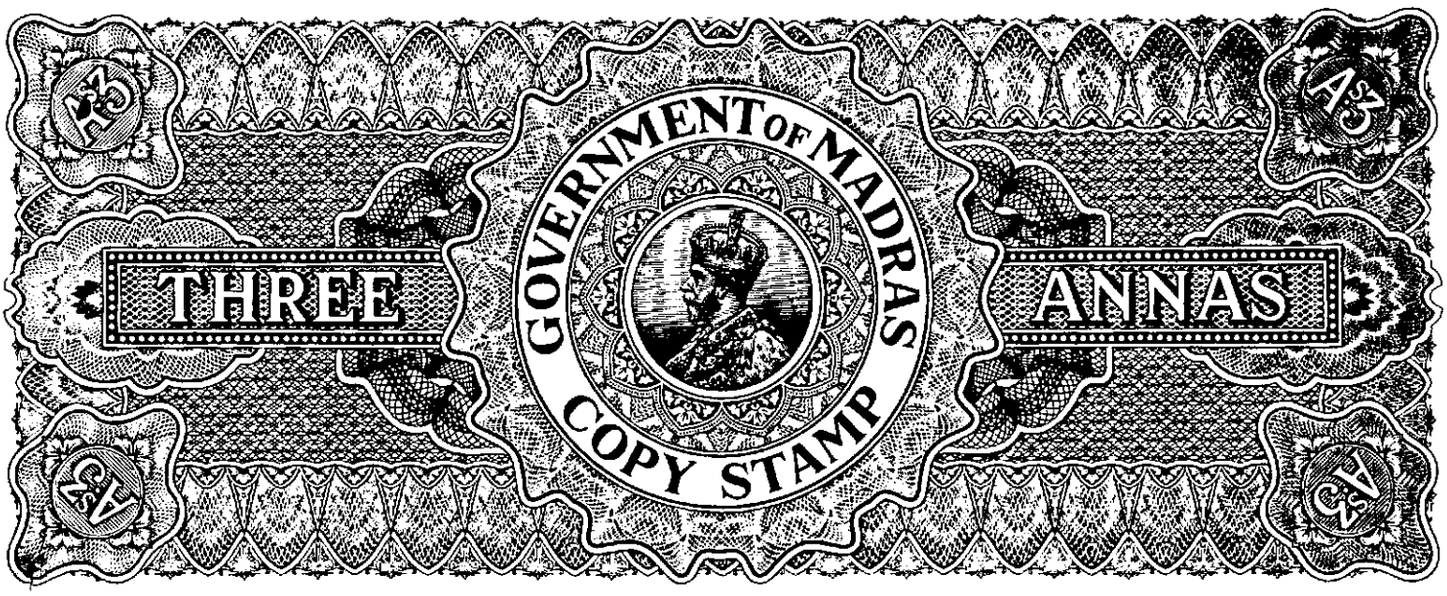

date of amalgamation of the two villages of Gundegal and Timmanahalli into one group, that it was filled by appointment of G. Subbarayar permanently, there being no condition in that order that he should hold his post during the lifetime of original Subbarayar, that G. Subbarayar himself was dismissed in the year 1892 and that the 1st defendants' father was appointed in that post without any condition that after his death his son was registered as heir in 1924 and that after the death of his son, the office was filled in correctly according to the provisions of the Act by appointing him as he is the next legal heir. The sum of his contention is that whatever might be the rights of the original Subbarayar or his family, those rights became extinguished by the amalgamation of the two separate villages having separate honours into one and that the office was filled, then and there according to the rules then in force by appointing

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GOVERNMENT OF MADRAS
COPY STAMP
THREE ANNAS

by Subbarayar the Karnam who was doing the duties of both the villages. She depended relies on the several orders of the Divisional officer which were favourable to him and to his rights.

5. Two points arise for determination in the suit namely whether the order (Exhibit I P.85 (H)) appointing by Subbarayar only during the life time of the original Subbarayar the dismissed Karnam, was within the competence of the officer who passed that order and whether the vacancy was not filled in at the time of revision of villages in 1888.

As regards the first point the Revenue authorities were competent to dismiss village officers by virtue of the powers vested in them under section 7 of the Regulation VI of 1831 but it is doubtful whether they could postpone the succession to the office of the dismissed man by appointing a stranger during the life time of the dismissed man as is found in Exhibit I P.85 (H). The dismissed order itself does not contain such a condition but it is only the appointment order 85 (H) that carries that condition. Though

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(6 lines short)

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GOVERNMENT OF MADRAS
COPY STAMP
THREE ANNAS

this procedure was permitted under section P.521 Ex (24) 10(4) of Act-III of 1895 yet the provision of Act-VI of 1831 is silent on the point.

6. This leads me to the second point namely whether vacancy arose in February 1937 or whether it arose in 1888 at the time of amalgamation whatever might be the merits of the order of appointment P.85 (H) of G. Subbarayar in 1887 conditionally it was nullified by two factors namely by the grouping of the two villages and the dismissal of G. Subbarayar P.27 (N) himself. As already remarked Gundegal and Jirakambalii were two separate villages having two different Kearams. These two were clubbed into one. In making the appointment to the clubbed group the Board had issued certain instructions to the officers by virtue of its power vested under Regulation VI of 1831. one is the circular of the Collector embodying the principles (enunciated by the Board) of appointment dated 7th May 1889, the second is proceedings of the Board No. 581 dated 7th September 1892 containing G.O No.

(7th Instl.)

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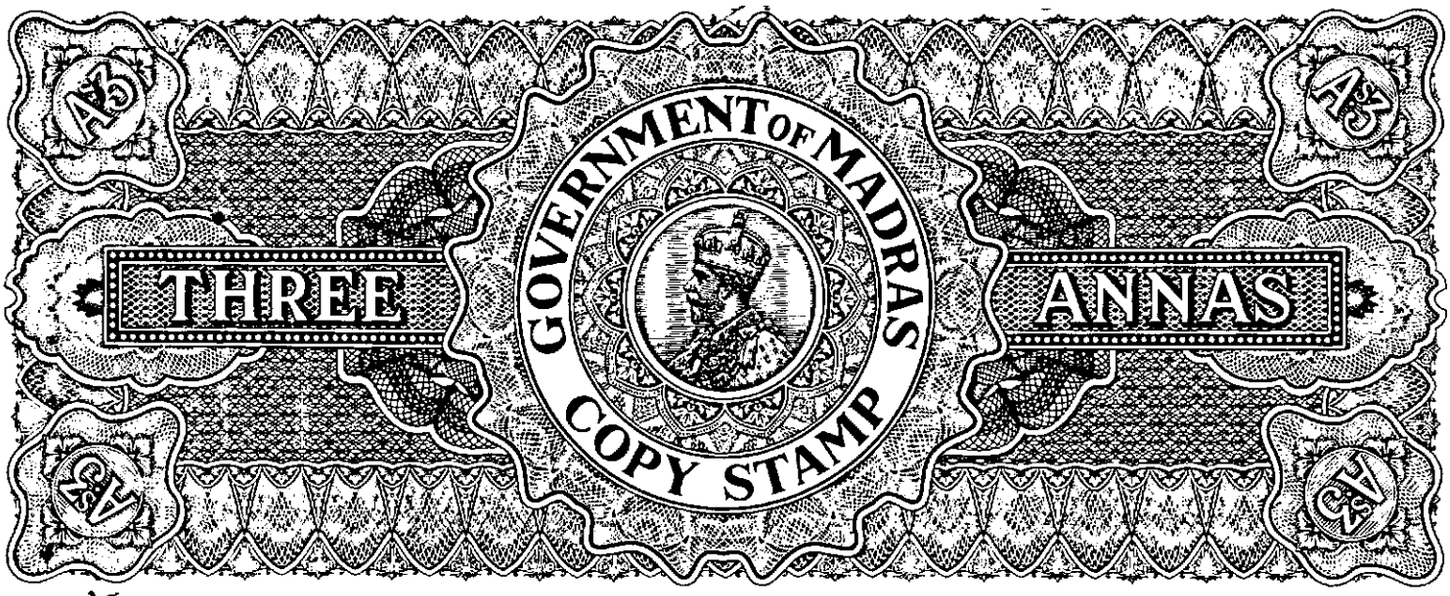

911 dated 30th August 1892 in which it is stated that when new villages are formed at the revision by regrouping villages no hereditary right can be claimed by members of the old miras families. The second is B.O No. 719 dated 15-12-1892. It is stated therein that "when villages are clubbed or at a revision of village establishment the old offices in those villages cease to exist new ones being created in the amalgamated village for which no member of the family having hereditary right in the separate villages is entitled to sue under the regulations. The new offices may be conferred on any qualified candidates at the discretion of the Collector but it is expedient that if the old miras family can furnish duly qualified candidates the Collector should select such a person in preference to outsiders. The Collector's appointment shall give a new start to the hereditary right in the person and family of the member selected and

(8 to start)

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21834

GOVERNMENT OF MADRAS
COPY STAMP
THREE ANNAS

suits for future vacancies shall be allowed only among members of his family as long as it exists". The effect of these orders was the extinguishment of old hereditary rights and creation of new hereditary rights.

Based upon the principles enunciated above Sy. Subbarayar was virtually appointed Karnam of the combined groups. It is not for me to discuss whether that order passed at the time of amalgamation was correct.

There arose a new office of the combined group by the amalgamation. There is no old office of Gundegal village now. It was extinguished. A new office of the combined group has been established. The old order that Sy. Subbarayar should hold office during the lifetime of original Subbarayar has become therefore a nullity. pp 79-200 (H)

The records filed on either side do not show that it was a conditional order but (Exhibit C 2) pp 201-288 (H) shows that it was not so. As I scrutinize the records pp 201-288 (H) relating to two services

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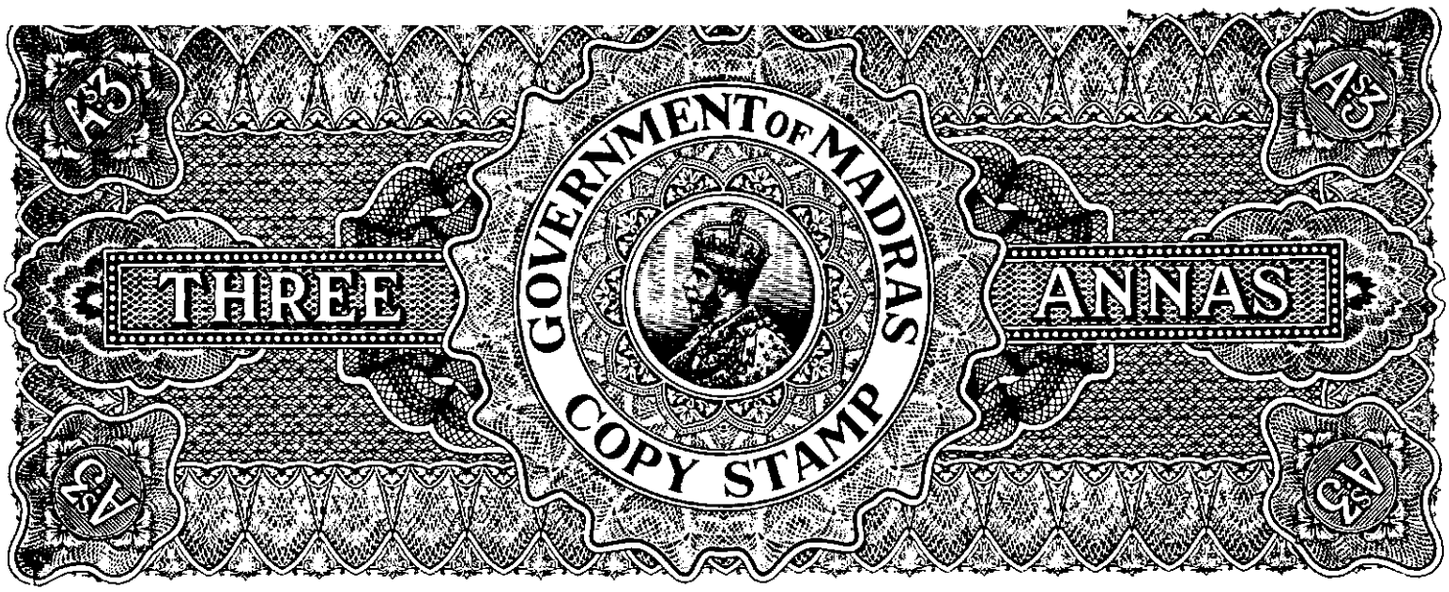

of villages then I do not find any reason to infer that it was a conditional appointment it was an appointment made inter alia the incidents relating to the regrouping of villages it is argued that the original order (Exhibit-1 p.85 (H)) should have been rescinded in the appointment order made after amalgamation there was no necessity to rescind the former order as it became a nullity by the abolition of the office of Syndegal village and the creation of Attogalam a new office for both the villages.

7. The other factor which nullified the order contained in Exhibit-1 p.85 (H) is the dismissal p.27 (N) of G. Subbarayar himself in 1892 who was appointed conditionally at the time when original Subbarayar was dismissed. Inter his dismissal the conditional order if it is presumed to exist ~~after~~ amalgamation has become a nullity. The original order (Exhibit-C1 p.197-199 (H)) dismissing original Subbarayar does not say that his heirs are debarred during his lifetime. But it is only in the order (Exhibit-1 p.85 (H)) appointing G. Subbarayar it is stated he should hold

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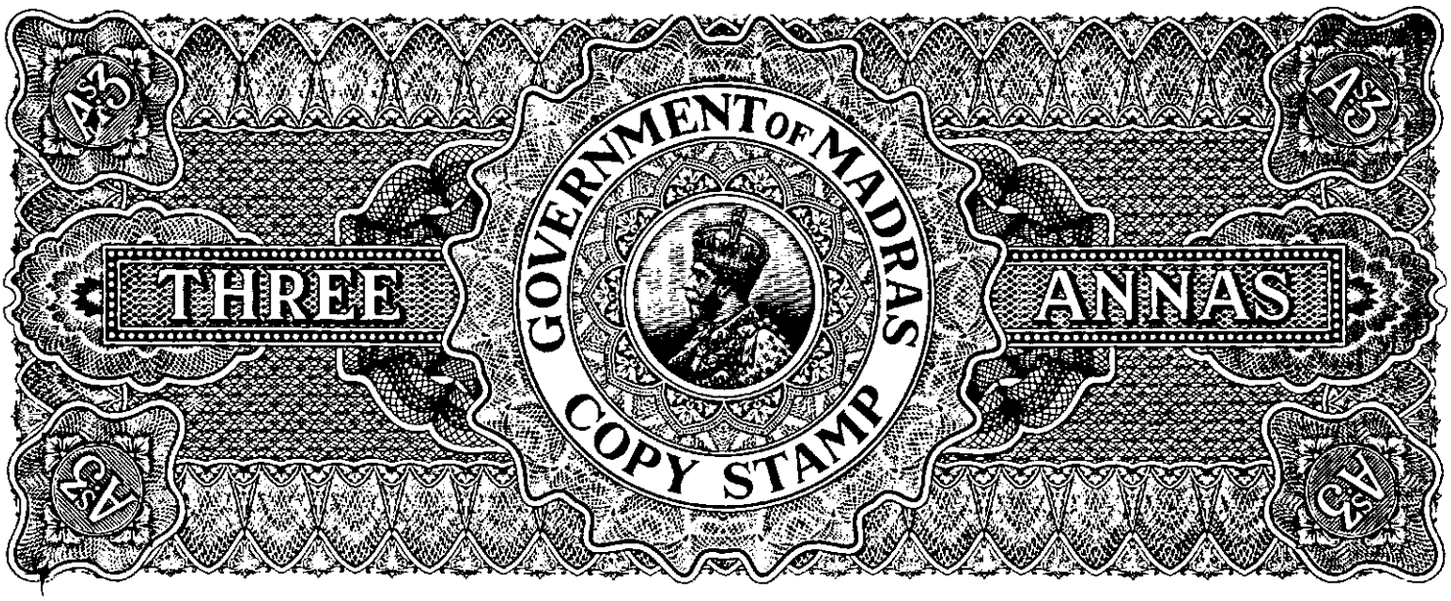

office during the lifetime of original Subbarayar. Thus even taking the same literally after his dismissal the order P. 80 (H) is deemed to have no force.

The office was then filled up by the defendant father first on probation for one year and then confirmed (Exhibit- P III & 119 (H) VIII and X II) the 1st defendants' father cannot in any way be said to hold office only through G. Subbarayar. He was a stranger to both the families. Even in this appointment order I do not find any mention that he was appointed temporarily during the life time of the original Subbarayar. The registration of the Minor Rajasundaram as heir after the death of 1st defendants' father in 1924 is a logical sequence to this order.

8. It was open to the plaintiff or his predecessors in title to have put forth his or their claims at the time of division or at the time when R. Subbarayar was appointed. Indeed the son of the original Subbarayar filed a suit in 1893 (1892) against the appointment of R. Subbarayar. It was dismissed (Exhibit- III & I (11th suit) PP 89-91 (H)

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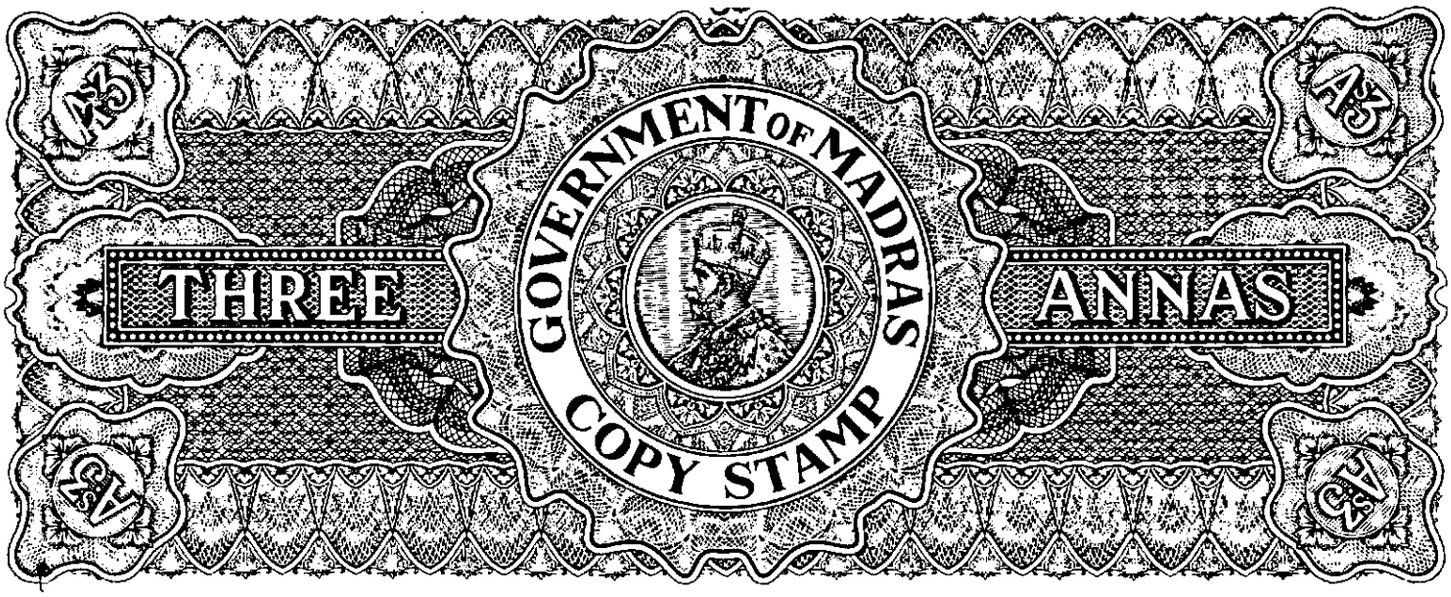

Again the plaintiff petitioned to the Revenue Divisional officer to be appointed as Karnam in 1913. He was dismissed (Exhibit- 13 and 14 pp 121-127 (H)) He filed a suit in 1913. He was dismissed also (Exhibits 15 and 16 pp 129-137 (H)) while dismissing the suit the Deputy Collector observed that the suit-contract was premature and no suit would lie till the original Subbarayar was dead. This has been taken to mean that the old order contained in Exhibit 1 that R. Subbarayar should continue to be Karnam till the death of original Subbarayar, still existed and gave a cause of action. I am unable to agree with this view. The effect of the decision is dismissal. The decree was only dismissal and nothing else.

Again the plaintiff filed a petition on 16-12-1913 to declare the appointment of R. Subbarayar as only temporary (Exhibit- XVII pp 139-148 (H)) and he was rightly told to get the order of appointment of R. Subbarayar passed in 1893 revised (Exhibit- XVIII) the plaintiff

(12th suit-) P147 (H)

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GOVERNMENT OF MADRAS
THREE ANNAS
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moved again in 1920 before the Deputy Collector to declare the appointment of R. Subbarayar temporary (Exhibit- PP149=161 (H) ×IX). He was told that the order of 1913 could not be revised then (Exhibit- PP163-175 (H) ××). He appealed to the Collector and the Collector asked him to wait till the old Subbarayar died (Exhibit- P.177 (H) ××I), this order of the Collector was also taken to mean that the office was not filled up but the Collector subsequently ordered on the petition of R. Subbarayar (Exhibit- P.179 (H) 22) that he was appointed permanently. Thus from the year 1913 up to 1920 the plaintiff wanted to derive his old claim on the plea that the original office of the Karnam of Gundegal village was in existence and that the order in Exhibit- P.85 (H) 1 was in force but he was not successful. I may observe that the question of amalgamation of villages and the nullity of the order of 1888 appointing R. Subbarayar like the life time of original Subbarayar was not gone into at the time of passing these orders. A decisive steps in this direction was taken when R. Subbarayar

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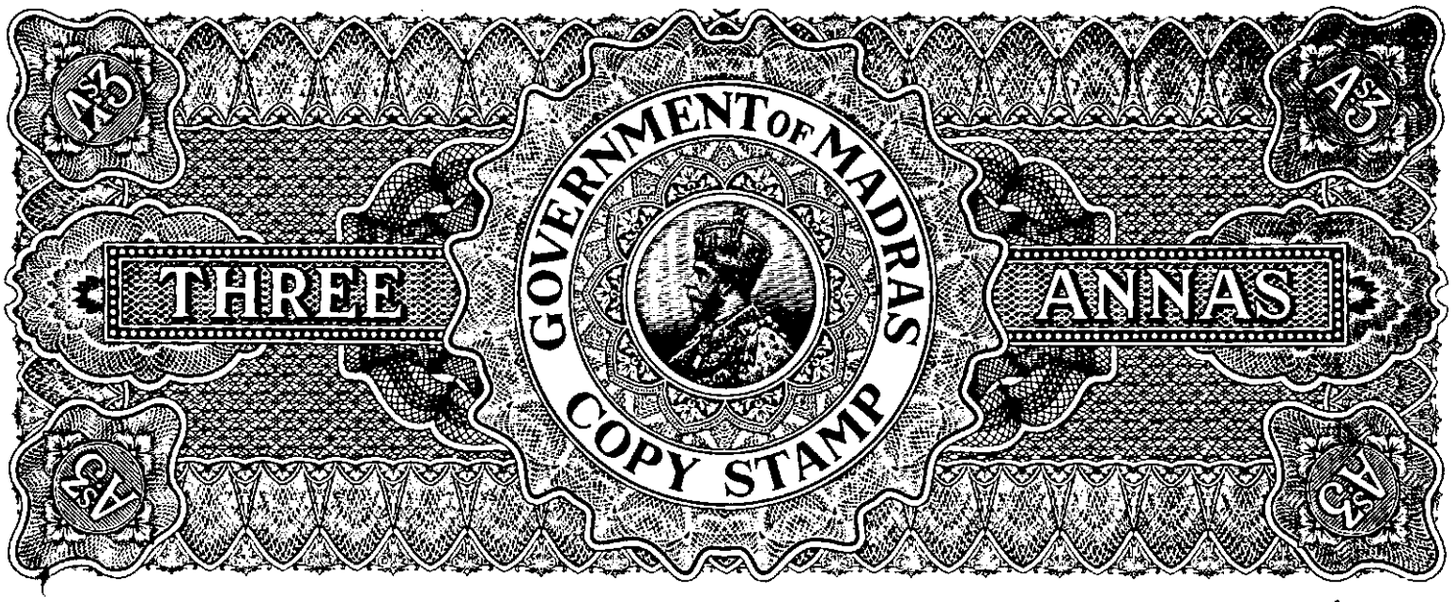

died on 5-7-49 and his grand son was registered as heir to the post (Exhibit P.181 (H) -25). The plaintiff appealed against that order to the collector (Exhibit P.183 (H) -24) and it was rejected. Again the plaintiff wanted to revive old claim when the registered heir Munir Rajamdeen died and he got an endorsement from the Revenue Divisional officer that the registration of minor was wrong (Exhibit P.183 (H) C). The Revenue Divisional officer left the office vacant which is filled in now by the appointment of the 1st defendant as the heir on which the suit is based.

9. I therefore find that no office of Karnam of Gundagal fell vacant on the death of original Subbarayar to invoke the provision of section 10(2) P.521. Ex (24) of the Act as the separate office of the Karnam of Gundagal was abolished in 1888, a new office was created by the amalgamation of two villages Gundagal and Tirukamballi and that it was filled in according to the rules then in force by the appointment of G. Subbarayar in 1888 at the time of amalgamation and after

(14 to end)

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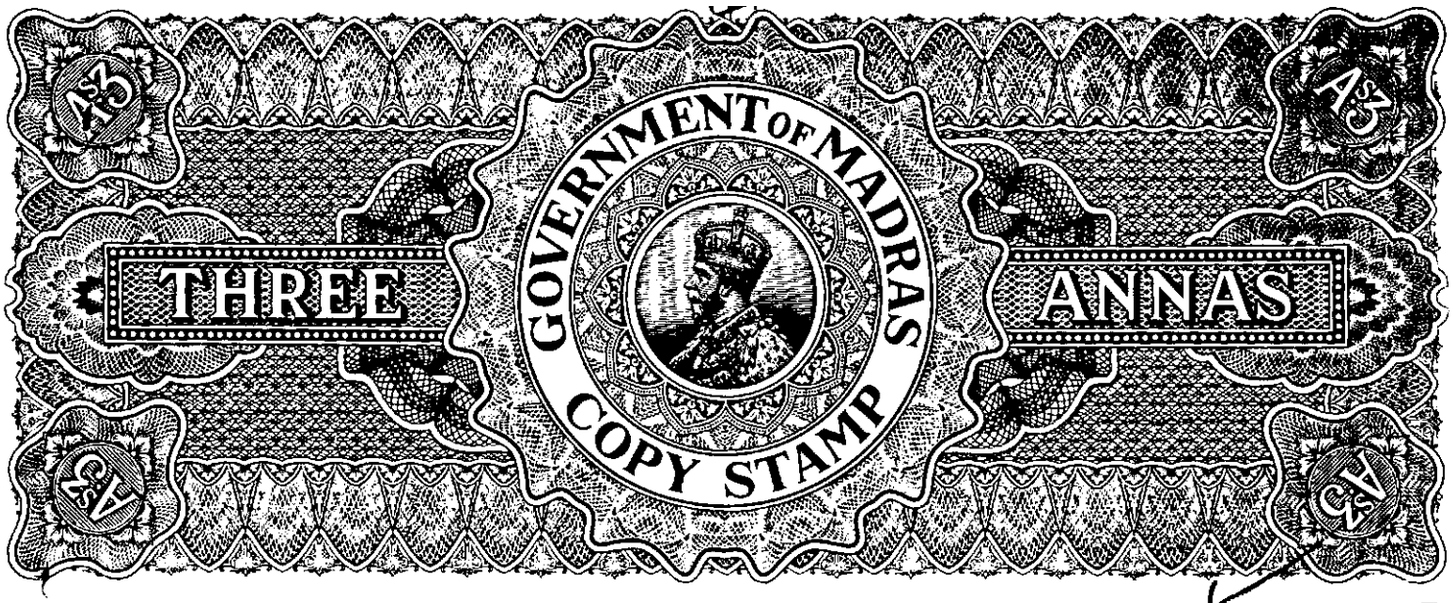


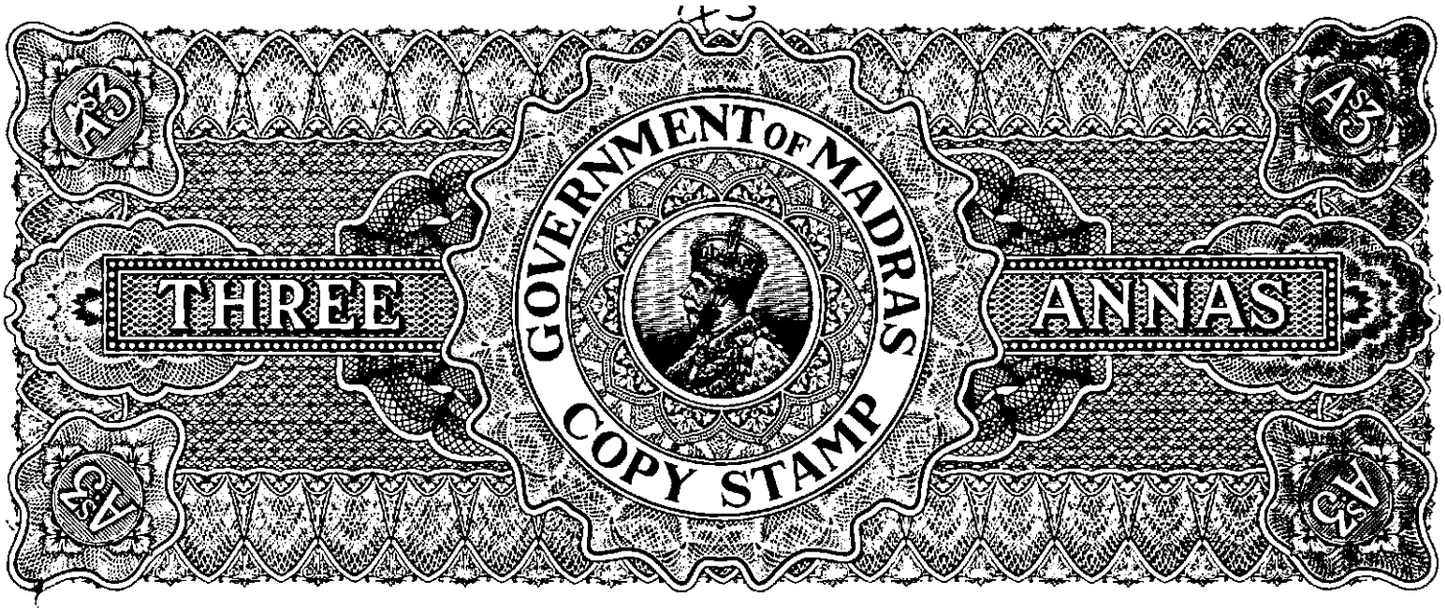
his dismissal in 1892, by the appointment of the first defendants' father and after his death a minor and after the death of the minor the 1st defendant. I therefore dismiss the suit. Each will bear his own cost.

(Sd) Syed Mohammad Hamda Sahib. 22/7/98.

Revenue Divisional officer.

List of exhibits for 1st defendant :—(1) 28-3-1888 Proceedings of Deputy collector, Kallegal appointing one Subbarayar as Karnam of Gundegal village as proxy. (2) 12-12-90. Proceedings of the Deputy collector, Kallegal appointing the said Subbarayar as gumastah for Harlai (3) 28-12-91. Revenue suit by Ranjappa guardian for Rangiammanni minor for Karnam office, Gundegal (4) 25-1-92 order dismissing suit (5) 30-1-92 Appeal by Subbarayar to the collector of Coimbatore objecting to his removal from Gundegal and appointing as gumastah for Harlai (6) 2-4-92. Collector's order restoring him to Gundegal (7) 11-7-92. order of Deputy collector removing the said Subbarayar from the said office (8) 26-7-92

(15 min. short)



order of the Deputy collector appointing one Palayam Subbarayar as Karnam of Eyndegal (9) 15-10-92. Petition by the dismissed Subbarayar praying that his adopted son may be appointed (10) 13-11-92. order dismissing the said petition (11) 8½-12-1892. Heir list furnished by Palayam Subbarayar (12) 26-7-1893 order of Deputy collector confirming Palayam Subbarayar (13) 2-12-1912 Petition of G. S. Subramania Ayyar praying that he may be appointed Karnam of Eyndegal (14) 7-1-13. order dismissing the said petition (15) 30-5-1913 Revenue suit by G. S. Subramania Ayyar (16) 21-10-1913 order dismissing the said suit. (17) 16-12-1913 Petition by G. S. Subramania Ayyar praying that the appointment of Palayam Subbarayar may be declared temporary (18) 18-12-1913. order dismissing the said petition. (19) 10-8-1920. Petition by G. S. Subramania Ayyar reiterating his claim to have Palayam subbarayar appointment declared temporary (20) 17-10-1920 order of Deputy Collector declining to interfere in the matter. (21) 15-11-1920. order of the Collector of Coimbatore on an appeal

(16 two sheets)

44

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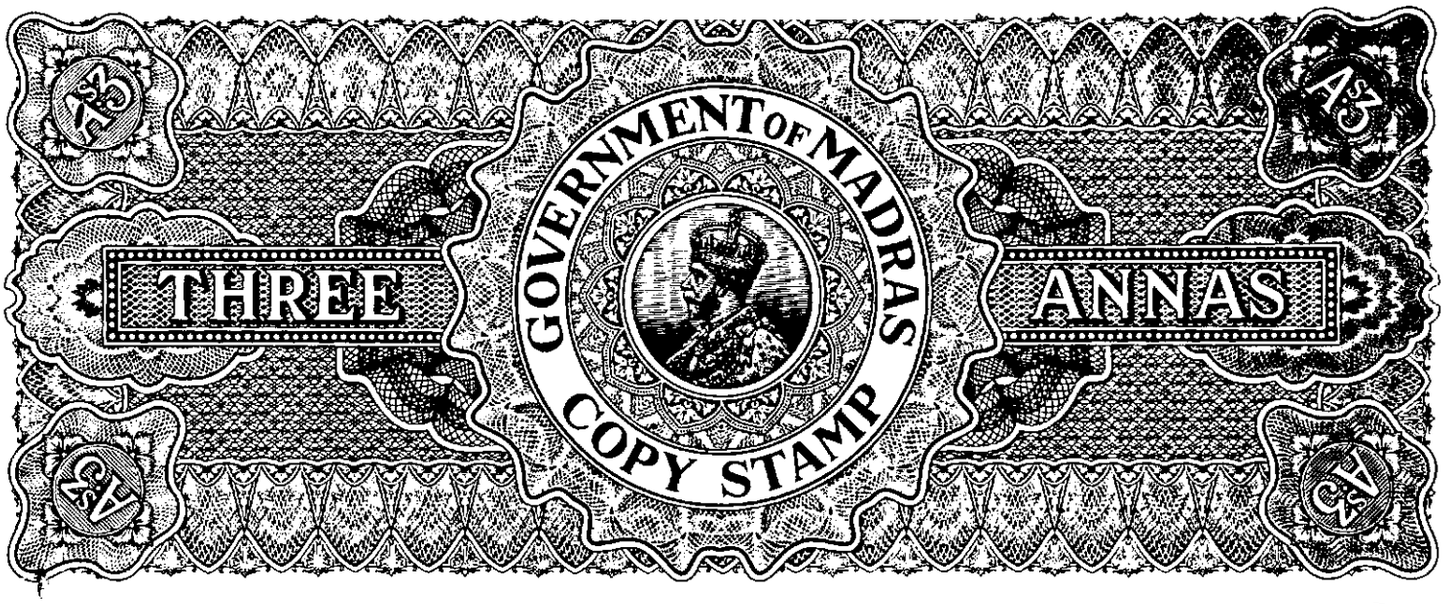
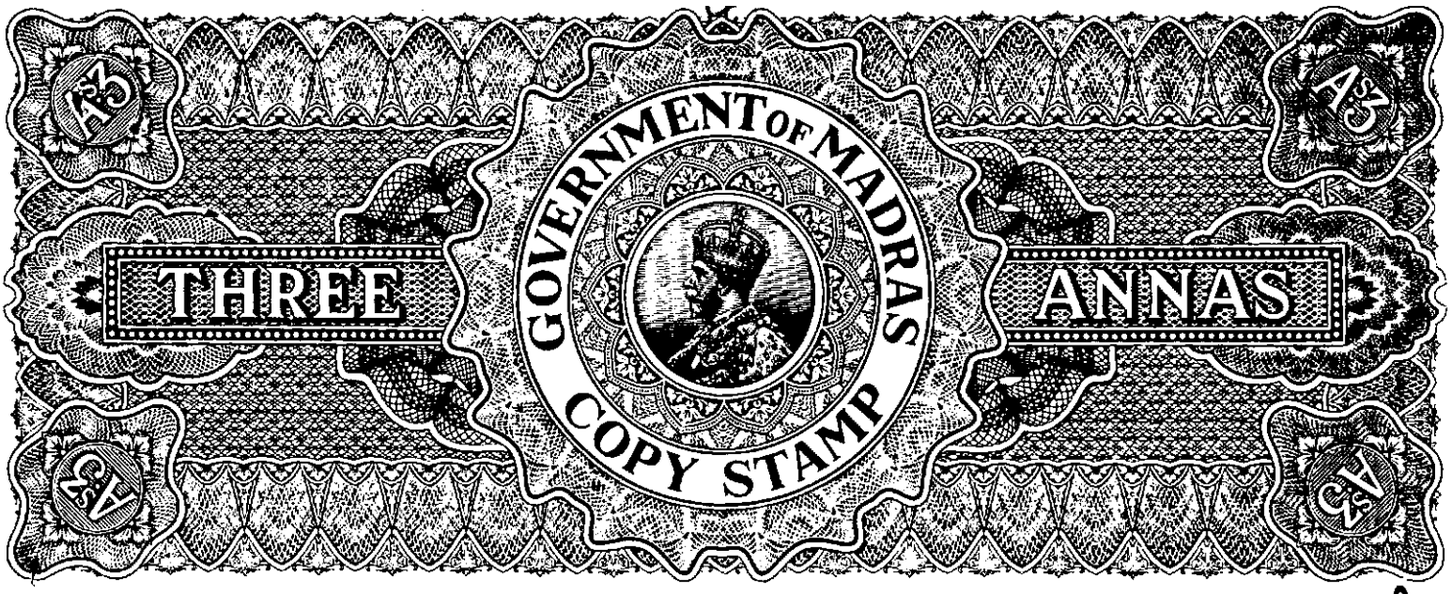


presented by G.S. Subramania Ayyar against the above order of the Deputy Collector (22) 16-1-1924 order of the Collector on a petition by Palayam Subbarayar dismissing the same as unnecessary (23) 5-9-1925 order of the Deputy Collector, Kollegal appointing one Rajamudaram as Karnam of Gundegal and his father Ramanarain as his Deputy (24) 26-6-1926 order of the Collector of Coimbatore dismissing the appeal by G.S. Subramania Ayyar (25) 12-8-1926 Petition of G.S. Subramania Ayyar praying that he may be appointed Karnam of Gundegal in the place of Rajamudaram deceased or that he may be declared hereditary (26) 2-12-1926 Deputy Collector's order dismissing the said petition (27) 11-8-1937 order appointing Ramanarain Ayyar as Karnam of Gundegal

Exhibits for the plaintiff :— A 11-8-1937 copy of the order of the Revenue Divisional officer Kollegal appointing Ramanarayyar as Karnam of Gundegal, B: 21-10-1913 copy of the order of the Deputy Collector, Kollegal dismissing the suit filed by G.S. Subramania Ayyar for the Karnam office of Gundegal. C: 25-11-1926

(17 Ex. filed)

446



Copy of the order of the Revenue Divisional officer, Kollegal stating that the registry of Monior in 1925 on the death of P. R. Subbarayar is wrong and there is no vacancy till the death of the permanent holder Subbarayar dismissed in 1887. Court exhibits :—(1) order no. 81 dated 27-5-1887 of the Deputy collector dismissing Subbarayar Karnam of Gundegal (2) order appointing G. Subbarayar as Karnam of the amalgamated groups of Gundegal and Srirangapalli villages at the time of revision.

(True copy)

Copied by B. Gowda Rao.

Compared by K. Krishnaiah

L. P. Narayan
25/2
Head clerk.

(Left 4 on last sheet)

18

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Rs 4-8-0

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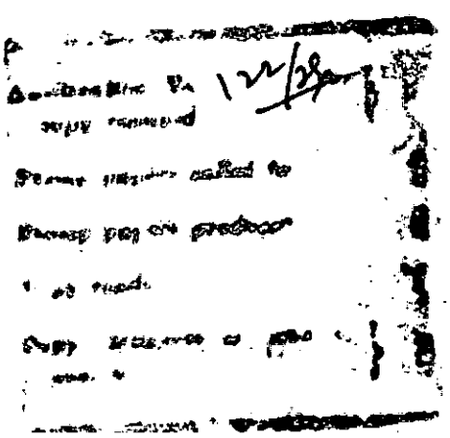

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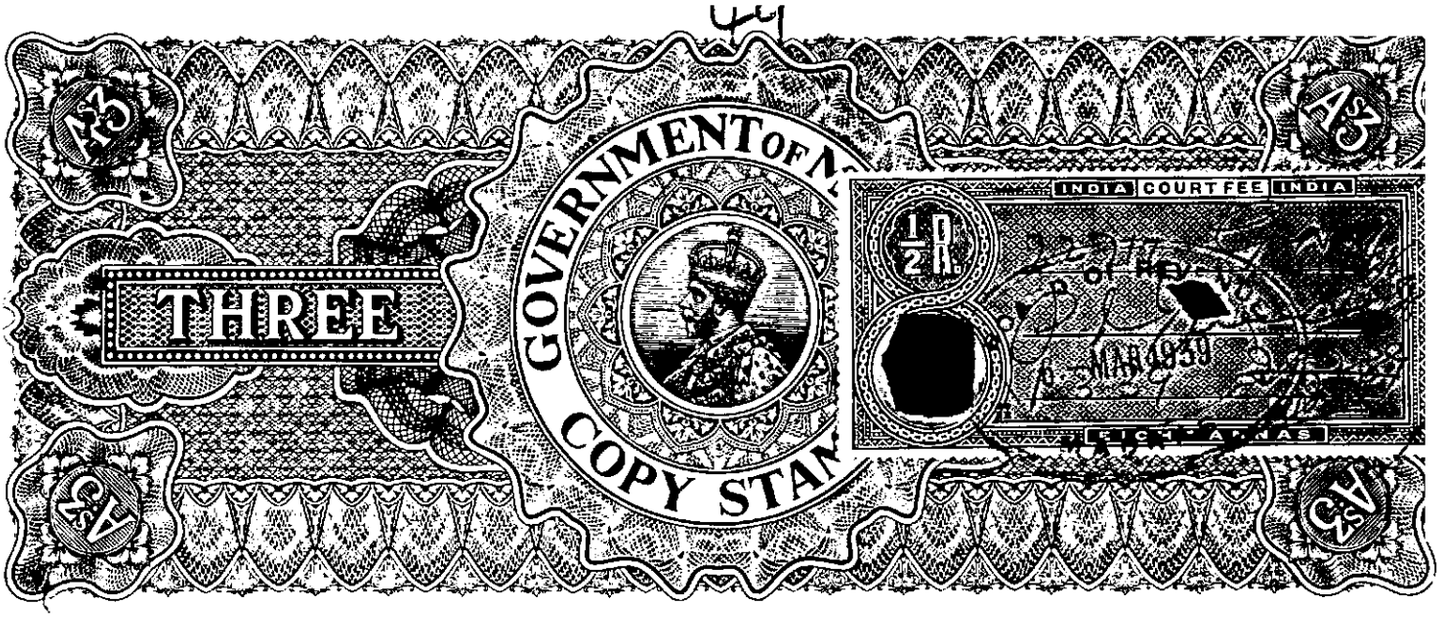
28-2-25

25/2/25



Decree.

In the court of the Deputy collector of Kollegal Division. R. suit No: 1 of 938.

Present:— Syed Mahmud Kalenda Sahib Bahadur.
Deputy collector.

G. Sr. Subramanya Ayya Kollegal ——— Plaintiff

(1) O. S. Ramarasayyar Gundegal (2) S. Ranjundasami Shanbhag
(3) Ranjundayya Kollegal ——— Defendants

This is a suit brought under section 13 of Act III of 1895. The subject matter of the suit is recovery of the office of the Karnam of Gundegal village Kollegal Taluk. This suit coming on for final hearing: Upon hearing the evidence and the arguments of Plaintiff's Vakil Mr. T. S. Gopalasami Ayya and the Defendants Vakil Mr. K. Devaji Rao and perusing the material papers: this court doth order and Decree that the suit be dismissed. Each will bear his own cost.

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(1st suit)

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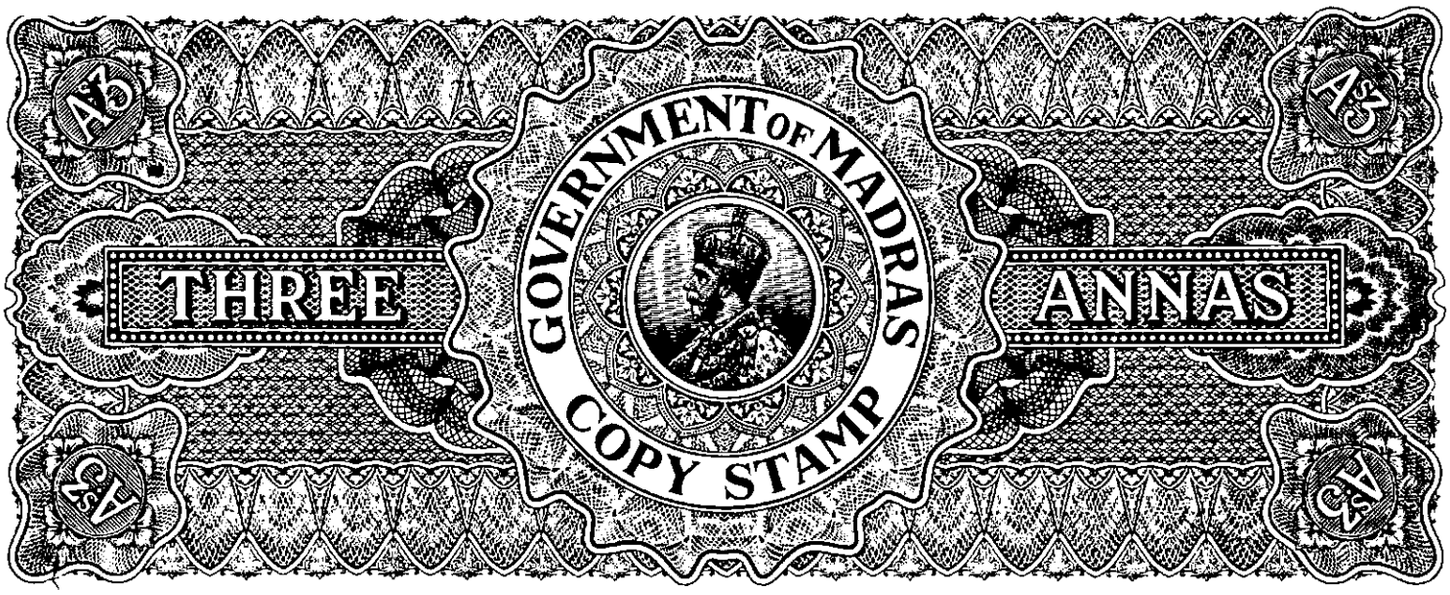

Particulars of costs incurred.

Plaintiffs costs.	Rs	A.	P.	Defendants' costs	Rs.	A.	P
1. Stamp for plaint.	0	12	0	1. Stamp for power.	1	..	..
2 —Do— power.	1	..	..	2 —Do— exhibits.	15	..	..
3 —Do— exhibits.	..	8	..	3. Pleader's fees.	..	..	..
4. Pleader's fees.	..	..	..	4. Subsistence for witnesses	..	-	..
5. Subsistence for witnesses	..	..	..	5. Commission fee.	..	..	..
6. Commission fee.	..	..	..	6. Service of process.	-	..	-
7. Service of process.	1	4	..	7. Stamp for petition.	..	..	..
8. Stamp for petition.	2	4	-				
Total Rupees	5	12	..	Total Rupees.	16	..	..

Given under my hand and the seal of the court this 15th day of July 1938.

(Sd) Syed Mohammed Hamda Sahib.

Revenue Divisional officer.

(True copy)

Copied by S. Jamila Rao.

Compared by K. Krishnaiah

108

L. P. Rao 25/7

(2½ x 5½ Last sheet) Head clerk.

52

21857

G N Bajpai

J M Ganapathy

Colegal

16.2.38

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[illegible]	16 18.3-38
[illegible]	25-2.38
[illegible]	28.2.38
[illegible]	

25/2

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..	29/4/39	
When copied ..	29/4/39	
When examined..	2-MAY 1939	
When signed ..		
When despatched.		

SUBJECT :— V. O'S Karnam - Coimbatore - Kollegal tk - Fundyalem vg Recovery of pcs - Suit 2nd appe

READ AGAIN ——— , dated S.N. Subrahmanya Iyer 19——

" " ——— " ——— 19——

READ *ALSO* :—

No. ——— From the appellant — No. ——— , dated 6.3.1939 }
" ——— " ——— " ——— 19——
" ——— " Collrs. A Dis 4442/38 " 26.10.38 19—— } Q
RSA 2.38

Order / Resolution, Ms. / Rout. No. ——— , dated ——— 19———

Refer. A 1112/39-1 d 27.4.39

Forwarded to the Collr. of Coimbatore for submission of the connected records and for remarks on such of the allegations in the appeal as are not clearly dealt with in the record.

KG 26/4/39 — 4/26/39

Issued

Regd 1-52 CF.

55

C.F. 80.

DEPARTMENT.

Received 19

Registered A 2303 19

A 1113/39

Recd 30.5.39

Subject.

Village Officers - Karnam - Kollegal Taluk Gundegalam village - Recovery of office - Suit - 2nd Appeal - G.N.Subrahmanya Ayyar - Records sent.

ENCLOSURES.

No. .....

.....

Spare copies .....

Ref. No2924/39-A-3.

Station Coimbatore, *Dated the* May 23rd, 1939. 19

From (Name) D.D.Warren Esqr.,M.C.,I.C.S.,

(Designation) Collector of Coimbatore.

To The Secretary to the ~~Government of Madras~~

Board of Revenue, Land Revenue and ~~Department.~~ Settlement, Chepauk, Madras.

Sir,

Board's Reference No.A.1113/39-1 dated 27-4-1939

***

I enclose the following records.

(1) Collector's R.Dis.4442/38 dated 26-10-1938

(2) Revenue Divisional Officer's R.S.I of 1938

(3) Do. R.Dis.83/26 dated 25-11-26

(4) R.Dis. 927/37 dated 11-8-37

(5) Do. R.Dis. ~~662~~ 66/26 dated 30-6-26

(6) Do. R.Dis.30/25 dated 5-9-25

(7) Do. R.Dis.104/20 dated 17-10-20

(8) Do. R.Dis.46/13 dated 7-1-1913

(9) Do. R.S. of 1913 dated 21-10-1913

(10) Do. No.1098/1892 dated 3-11-1892

(11) Revenue Divisional Officer's No.248 dated 28-3-1888

(12) Do. 888 General dated 26-7-1893

(13) Do. 749/General of 1892 dated 26-7-1892

(14) Collector's order 204/Appeal dated 14-10-1892

(15) Revenue Divisional Officer's No.391/General of 1892

(16) Do. No.116 General dated 28-1-1892, and

(17) Do. R.S.41/1892 dated 25-1-1892.

The allegations in the petition are clearly dealt with in this office file R.Dis.4442/38 dated 26-10-1938.

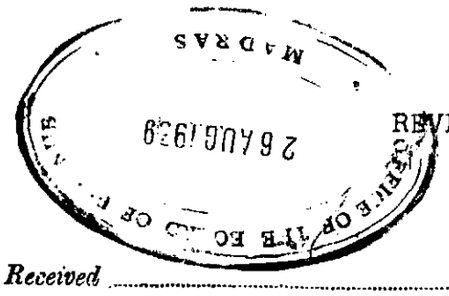
2. The appeal petition and enclosures are resubmitted.

for Collector

S.R.G/26-5.A

Enc.Records.

(Sent Seperately)



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REVENUE DEPARTMENT. A 1113/39

C.F. 80.

Received ..... 19 . *Registered* A 3880 19 .

Subject.

Village Officers - Karnam - Kollegal Taluk - ~~Cudagalam~~ Gundegalam village Recovery of office - Suit - 2nd Appeal - G.N. Subrahmanya Ayyar - Orders - Requested.

***

ENCLOSURES.

No. .....

.....

Spare copies .....

Ref.A-3No2924/39

Station Coimbatore, *Dated the* 24-8-39. 19

From (Name) D.D. Warren, Esq., M.C., I.C.S.,

(Designation) Collector of Coimbatore.

BOARD OF REVENUE

To The Secretary to the ~~Government of Madras~~,

LAND REVENUE & SETTLEMENT ~~Department.~~

MADRAS.

Sir,

Ref: Board's A.No.1113/39-1 dated 27-4-39 and this office reply A-3-No.2924/39 dated 23-5-39.

--

I request to be informed of the orders passed on the above reference.

for Collector.

SVC/25-8.

25838

59 1113/39.

C.F. 36.

REVENUE **DEPARTMENT.**

Received ..... 19 *Registered* 26/9/39

30 SEP 1939 BOARD OF REVENUE MADRAS

Subject.

Village Officers - Karnam - Kollegal Taluk - Gundagalam Village - Recovery of Office - Suit - 2nd Appea G.N. Subrahmanya Ayyar - Orders - Requested.

***

ENCLOSURES.
No. .....
.....
Spare copies .....

Ref.A-3 No. 2924/39

Station Coimbatore, *Dated the* 26-9-39. 19

From (Name) D.D. Warren, Esq., M.C., I.C.S.,

(Designation) Collector of Coimbatore.

BOARD OF REVENUE

To The Secretary to ~~the Government of Madras~~,

LAND REVENUE & SETTLEMENT ~~Department~~.

MADRAS.

Sir,

Ref: Board's A.No.1113/39-1, dated 27-4-39 and this Office reply A-3-No.2924/39, dated 23-5-39.

***

I request to be informed of the orders passed on the references quoted above.

for Collector.

SVC/29-9.

29.9.39

MADRAS RECORD OFFICE.

No. of the list.	Date of issue of the record.	Number and date or description of the record.	Number and date of the current for which required.	To whom sent.
12 10	9-1-40	BP. 501 / 7.9.1892 S/C	CSMA 1113/39	(A)
		BP. 719 / 15-12-1892 S/C		

Put up in the file.

H Rice
9-1-40

A. 1113/8

From the Asst. Leg. Bd of Agric.
(LR)

To the Curator M.R.O.

DESTROYED
15 SEP 1939
T.C.

Kindly send the following B.P.s
for use in connection with Board
A 1113/39

(i) B.P. 501 Ms. d. 7.9.1892
(ii) B.P. 719 Ms d 15.12.182
and connected B.P.s if any

H (HR)
A.S. (LR)
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17.9.39

Issued
20/9/39

Seen. Please
return after
use to A 1113/8 (Mr Hey
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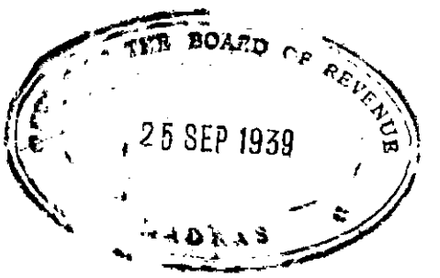
20/9/39



3(1) I (-) - 1921 (Mad)

111 (1) - F - 1892 (Bom)

Cal. LR 972 of 23-11-1888 (Cal)

3143 of 11-12-1926 (...)

" 2595 of 9-9-1... (...)

Mad 3595 of 12-1-1926 (Mad)

" 5537 of 11-1-1890 (Cal)

" 73817-2-1892 (Cal)

" LRC 118-11-1893 (Cal)

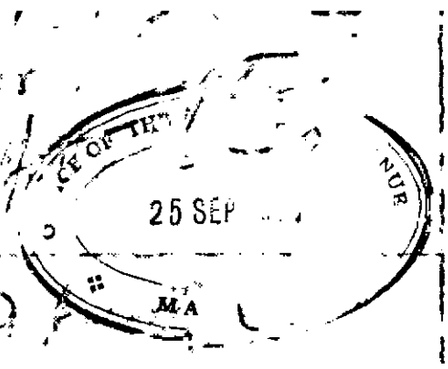
Rangoon 254 of 1-4-1890 (Cal)

" 559 of 25-6-1891

22.9.39

Senior Asst.

22.9.39


25 SEP
MA

Rev. Jo. 3217 Dt 9-7-1892 (Mem.)
" 911 Dt 30-8-1892 (Se.)
B.O.L.R 972 Dt 23-11-1882 (Se.)
Do 3143 Dt 16-12-1882 (")
Do 2595 Dt 9-9-1885 (")
Do 3595 Dt 12-6-1888 (Mem.)
Do 583 Dt 29-1-1890 (D)
Do 738 Dt 17-2-1892 (D)
Do 660 Dt 16-11-1893 (Se.)
Rev. Jo. 254 Dt 1-4-1890 (Se.)
" 589 Dt 29-6-1891 (")

BOARD OF REVENUE
25 SEP 1939
MADRAS

22.9.39

Section Head
22.9

C.A.H.

Village Officers - Karnam (Coimbatore) - Kollegal Tk. Gundegal village - Suit for recovery of office - Second appeal - Subramania Ayyar & V., & Sri - dismissed.

A 1113-39 - Pehr.

A 2303/35 - Fr. Coll. Coimbatore & 23.5.35

B. P. Thiru Dott d 16-2-40 from Sri G.V. Subramania Ayyar d. 11/3/36 to Coll. and Q.

This is a Second appeal under Section 23 (1) of Act III of 1895 against the order of the Coll. of Coimbatore confirming that of the R.D.O., Kollegal dismissing the appellant's suit for recovery of the office of the Karnam of Gundegal village in the Kollegal Tk. The appellant claims the office of Karnam in accordance with the order of the R.D.O. dt 28.3.1888 appointing one G. Subbarayan to the post of Karnam, rendered vacant by the dismissal of Subbarayan the appellant's father's brother in 1887, ~~promulgating and~~ declaring that the post would revert to the family of the

dismissed man in the death of the latter. The dismissed Karnam died on 13-2-37 and the appellant as the nearest agnate filed a suit in the Court of the RDO for recovery of the office from Ramanarasayya, who had been appointed to the post permanently in 1937 in RDO's proceedings Roc. 1927-37 d. 11-8-37. pp 69-70 c/f. (E)

This suit was dismissed and pp 336-337 c/f. (H)
the appellant preferred an appeal to the Collr. against the R.D.O.'s decision. The Collr. dismissed the appeal holding p. 7 c/f
that the appellant had no right ~~to sue for the~~ under S.S.O. 154 Bork 70 p. 862
7) to sue for the office. It is against this decision that the present appeal ~~suit~~ has pp 1-5 c/f.
been filed.

2. After the dismissal of the appellant's uncle in 1887, a remission and regrouping of villages occurred in the year 1889 when Gundegal and Gumakanahalli, ~~two~~ two separate ~~Gm~~ villages, were amalgamated and a new ~~post~~ office created. The p. 258 c/f. (H)

Board had ruled in its Proc. no. 10221 d. 31-10-1884 that "appointments made at remission became closed question unless questioned within 3 years by means of a Suit under Regulation VI of 1831." and this rule was upheld by the Govt. ~~The Board being the appellate~~ and the Govt. the revising authority under the Regulation, the rules ~~made~~ had the binding effect of legal decisions ~~It should, therefore,~~ be held that the ~~old~~ office of Karnam, from which Subbarayan was dismissed ceased to exist ~~when remission took~~ ~~became extinct at the regrouping~~ ~~and all~~ like ~~the~~ claims of the appellant family were extinguished, ~~unless the arrangement made at the remission had been~~ not ~~contested by~~ a Suit was filed within 3 years of the re-grouping ~~This was not done~~ by the appellant's father. on behalf of the appellant who was then a minor, ~~about two~~ ~~a~~ ~~Suit filed within 3 years of~~ ~~his attaining majority (i.e.)~~ ~~about 1909~~ The first action ~~to~~

Taken by the 7 V

appellant brought, was in the
was a suit in the
year 1913, on year upon the (V)
mere lease basis of 80 ~~acres~~
expiry of the period of limita- be extended necessarily.
tion. Thus the extinction of the lease
claims of the plaintiffs family were extinguished
in the year
at the re-grant in 1889 their lease was operative
& Conclusive and the second
appeal last must therefore
fail. It is hereby dismissed.

8/12/1

Cr
6/12/1no
WS
8/2.

To

The Appellant, Sri S. N.
Subramanya Ayyar,

Copy to the Editor of Comilhato
~~note sep. to this dep. No. 29-4-50~~
~~Dated 25-5 of~~ note records
as per his returned.

pr 25.5.56 ✓

No. 043

For Insurance Notices see reverse.
Stamps affixed except in case of uninsured letters not exceeding 2½ tolas or one ounce in weight or on which no acknowledgment is due.

Rs. 1 As.
Date-stamp.

Received a registered *
addressed to
The Editor
Comilhato

Initials of Receiving Officer

* Write here "letter," "postcard," "packet," "parcel" with the word "Insured" before it when necessary.

If insured: Insured for Rs. (in figures) (in words)
Insurance fee Rs. As. (in words).
Weight Rates Tolas 50

27 FEB 40

Name and address of sender

16/1 ✓

A·1113/37

List of Papers Put up

R.D.D R.S 1/38	(B)
" R. Dis 88/26	(H)
" " 927/37	(VI)
" " 66/26	(E)
" " 30/25	(M)
" " 104/20	(D)
" " 46/13	(V_2)
" R.S. of 1913 d 21.10.13.	(L)
" No 1098/1892/3.11.92	(V)
" No 248/28.3.1888.	(M1)
" 888. Genl. 26.7.1893	(C)
" 749 " 26.7.1892	(M)
Collrs order 204 d 14.10.1892	(S)
Wos No 391 Genl of 1892	(Y)
" " 116 " d. 28.1.92	(N)
" RS. 41/1892 d 25.1.92	(D_1)
B.P. 219 d. 12-5-1892	(G)
S.C. 10 Ann. d. 4-1-1892	(I)
S.C. 611 Ann d. 31-8-1888	(W)
S.C. 1020 Ann. d. 28-10-1891	(Q)
S.C. 11 Ann. d. 4-1-1892	(U)
B.P. 3143 d. 16-12-1882	(A)
B.P. 719 d 15-12-1892	(Z)
	(Y)

Pt. 3
A-S(LR)

PETITION NOTE FILE.

Subject:- Village Officers. Karnam - (Coimbatore) Illegal ~~Usage~~ Gundlegalam village - Recovery of office - Suit Second Appeal G. N. Subramania Iyer.

Date of Receipt.- 6.3.29

Note.- If the answer to any of the questions noted below admits of a simple and direct answer this answer should be noted against the question: Where the answer is in doubt and requires discussion and orders the words 'see below' should be entered instead and the question dealt with in the body of the Office Note under the numbered heading which will be repeated for the purpose.

Nature of petition? (Original, appeal or revision). — Appeal (the point in question is hereditary & Statutory)

2. Under what statute, law or other provision is it preferred? — Pl. see under item (4) below.

3. In cases of appeal or revision - authority on which original (and lower appellate) orders were passed. — P.523. Bk (24) ... do. under Sec. 13(1) of Act III of 1895 P 526. Bk (24) Colly. under Sec. 23(1) "

4. Under what authority does the Board entertain this petition? — Under Sec. 23(1)

5. Stamps - (quote authority in every case).

(a) Is the petition with enclosures properly stamped? — Yes - vide Bso. 172.(10) Appendix XI Rule XI (1)

(b) If exempted from Stamp duty state authority? — P. 1068. Bso Vol IV

6. Limitation.-

(a) Is the petition in time - State time allowed - with authority. — Yes - 3 months time allowed in Sec. 23(1) of Act III of 1895. P. 526. Bk (24)

(b) If the petition is time-barred.-

(i) Is there authority to condone delay?

(ii) If so state here any grounds adduced for condonation. — Do not arise. [26-10-38 26-1-29]

Miscellaneous.-

Are there any other technical points for consideration?

If so, state them briefly. — Nil.

A.S.(LR)

Attention is invited to pages 13-
of for the facts of the case.

2/ The point for consideration
P.7 of by the Board is whether the Collr's order
holding that the appellant has no
right to sue for the recovery of the
Karnam's office in question, is correct.

854-1880 Vol III
Bk 70

3/ Under B.S.O 48(iii),
succession should be traced from the
last permanent office holder. The last-
permanent office holder in this case is
undoubtedly the respondent's father,
P.17 of P.R. Subbarayan. who died in 1924.
The respdt could not succeed to his
father's office in 1924 apparently because
P.520. Bk (24) he was ineligible under Sec. 10.(1) of
Act III of 1895, he being not fully
P.17 of qualified for the post at the time. By
1926 the time of the death of the minor
P.17 of registered for the office, he apparently
on or by 1937,
P 17. of qualified himself and was appointed
to the post as the nearest heir to the min
PP1-3 of. Paras (4 & 5) His claim that he is the brothers
entitled to get the office as
son of the original office holder who held
P 15 of 2nd para office till 1887 is obviously untenable
because of the grouping of the villages

in 1889, which extinguished the rights of the appellant's family and created an entirely new Office to which the respondent's father came to be appointed. The appellant's further Contention that the respdt ought to be Considered to have forfeited his right to succeed to the Office inasmuchas his son was registered in preference to him in 1925 when his father died, is equally untenable for, under Sec. 10(5) of the Act III of 1895, forfeiture applies only in the Case of registered minors and not other heirs. The respdt was not a registered minor and he did not forfeit Office. He was simply not qualified at the time of his father's death and was simply ineligible for appointment under Sec. 10(1); and when as an heir he was qualified under the Section, the Office reverted to him, on the death of the minor and this is in accordance with the Rules. It will thus be seen that the Colls order holding that the appellant has no right to sue for the Office is correct, he being a Stranger to the last Office holder's family. The appeal therefore deserves no Consideration and may be dismissed

Vide Sec. 6(1) & Act III of 1895. P. 519. Ltr (24)

P. 15. CF

2 3. CF. Lara (6,

P. 521. Ltr (24)

P. 17. CF 1st para

P. 520 Ltr (24)

P. 11. CF

Allen
12.4.39.
KV
18.4.39

Records may be got
Examined
14/4/39

AS(LR)

To AS

Draft submd.

26.6.39

26/6/39

P 53. C — Issued as in Board's Proc. No 41 dt 24-1-1. 27.6.39.

P 55 Cf — A. 463/38 from the Coll. of Coimbatore

A.S.(L.R)

This is a Suit second appeal against the Coimbatore

P. 7. Cf — Coll's order confirming that

PP 13-51 Cf — of the R. Dy, Kollegal, dismissing the appellants' suit for the recovery of the Karnam's Office of Gundegal, a Injetwari village in the Kollegal Tk, Coimbatore dt

2/ Attention is invited to Pages 13-17 Cf. for the facts of the case.

3/ The point for consideration by the Board is whether the Coll's order holding

that the appellant has no right to sue, is correct.

4/ Under B.S.O. 148 (4)(iii) P. 854 BSO Vol III succession should be traced from the last permanent office holder. The last permanent office holder is the respdt's father P.R. Subbarayar who died in 1924. The respdt could not succeed to the office then ~~apparently~~ because he was ineligible under Sec. 10 (1) of Act III of 1895, he being not fully qualified for the post at the time. By the time of the death of ~~the~~ the registered minor Rajasundaram (his own son) or by 1937 (till which time the post had been kept unfilled) he ~~apparently~~ qualified himself and was appointed to the post as the nearest heir to the minor. This, the appellant cannot question his claim that he is entitled to get the office as the brother's son of the original office holder (Subbarayar who was dismissed in 1887 and died in 1937) is obviously untenable

P. 17 Cf.

P. 520 Bk (24)

P. 17 Cf

PP 1-3 Cf paras (4) & (5)

PP 197-199 (H)

P. 17. Cf

P 15 cf

sec. 6 (1)(g) Act III 1895.
P 519. Vol (24)

Upon can not apply Act III of 95 for action taken in 1889. The Collector has quoted the old orders which will be found in P 15 cf They should be examined.

because of the grouping of the villages in 1889, which extinguished the rights of the appellant's family and created an entirely new Office to which originally Subbarayan was appointed in that year and subsequently, on his dismissal the respt's father P.R. Subbarayan was appointed.

P 15 cf

P P 15. 17 cf

5/ The appellant's Contention that the respt ought to be considered to have forfeited his right to the Office inasmuch as his Son was registered in preference to him in 1925 is equally untenable. For under Sec. 10 (5) of the Act, forfeiture applies only in the case of registered minors and not other heirs. The respt was not a registered minor and he did not forfeit Office. He was merely not qualified at the time of his father's death and was simply ineligible for appointment

P. 3 cf Ex A (6)

P 521 Vol (24)

II
when did he qualify?

1113/39

under sec. 10 (1) of the Act. And P.530: MC (24)
when, as an heir, he was
qualified under the section
at the time of the occurrence
of the vacancy viz in 1924
(Minor Rajasundaram being registered
in 1925, i.e. prior to Act VII of 1930)
the office reverted to him
on the death of the minor.
This is in accordance with
Sec. 48 (4). It will thus be P.854 Sec VI III
seen that the Colr's order holding P. 76
that the appellant has no
right to sue for the office is
correct, he being a stranger
to the last office holder PR Subbarayar's
family. The appeal may,
in the circumstances, be dismissed.

Ok
21.8.39.
139

III
was he last pure male
office holder?
VI
235

That depends on the appoint-
ment of the Kumaran at
his decision. No proposals
in order of revision should be
entertained

Bd.'s Ref. A.113/39-1 dated 27-4-39.

A. 2303/39 (From Collr. of Coimbatore dated 23-5-39).

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To A.S.

Hereditary and Statutory.

This is a suit second appeal against the order of the Collr. of Coimbatore confirming that of the R.D.O. Kollegal dismissing the appellant's suit for recovery of the office of karnam of Gundegal village in the Kollegal Tk.

The facts of the case are these:

Subbarayan was mirasi karnam of Gundegal village. He was dismissed in 1887 on a charge of misappropriation. One G.Subbarayar, unconnected with the dismissed man's family was appointed by the R.D.O. on 28.3.1887, subject to the condition that "the appointment will continue only during the life time of the dismissed incumbent and that it will revert to the family of the dismissed incumbent and will be filled up by his nearest of kin who is fit for service" In 1889, there was a regrouping of villages by which Gundegal and Jinakanalli which were separate groups, were amalgamated. G.Subbarayar was appointed to this new group. In 1892 this Subbarayar was dismissed and in his place one P.R.Subbarayar was appointed on probation for one year and he was confirmed in the post in 1893. This P.R.Subbarayar died in 1924. His son Ramanarasayyar claimed the post but as he was a major and unqualified at that time, his son minor Rajasundaram was registered on 5-9-25 and Ramanarasayyar was appointed as deputy. The minor died in 1926 when his father, Ramanarasayyar applied to be appointed permanent karnam. The post was then unfilled as in the R.D.C's opinion there was no

vacancy to be filled up according to the original order of the R.D.O. passed in 1888 and there would be a vacancy only on the death of the Subbarayan dismissed in 1887. This Subbarayan died on 13-2-37. Proposals were sent for filling up the vacancy permanently and the R.D.O. in his R.Dis. 927-37 dated 11-8-37 appointed Ramanarasayyar to the post permanently.

The present appellant who is the brother's son of the original Subbarayar dismissed in 1887 (who died in 1937) filed a suit before the R.D.O. Kollegal for recovery of the office of karnam to his family in accordance with the original order of the R.D.O. of 1888. The R.D.O. dismissed the suit holding that the original office of the karnam of Gundegal which was filled up by the Dy. Collr. in 1888 was extinct as a re-grouping by amalgamation of Gundegal and Jinakanamalli had been made in the year 1889 under the rules framed by the Board of Rev. (under Reg. VI of 1831) and in accordance with these rules, the old office no longer exists, an entirely new office having been created instead. The appellant filed an appeal suit before the Collector and he dismissed it on the ground that the appellant had no right to sue for the office under B.S.O.154(7) and the note thereunder. It is against this order that the appellant has preferred a second appeal under sec. 23(1) of Act III of 1895.

The important points for consideration are (1) whether the order of the Dy. Collr. of the yr. 1888 appointing G.Subbarayan to the post conditionally till the life time of the dismissed mirasi karnam was in order and

(2) whether the vacancy was not filled in at

the time of the revision of villages in 1889.

On the first point, the R.D.O. has considered it doubtful whether succession to the office of a dismissed man could be postponed by appointing a stranger during the lifetime of the dismissed man under the provisions of the Reg. VI of 1831. This procedure is permitted by sec. 10(4) of Act III of 1895 while Regulation VI of 1831 was silent on this point. It may be seen however, from G.O.No. 611 Rev. dated 31-8-1888, that the Govt. issued specific instructions "that the heir shld. be registered and a gumastah appointed" but the principle of heredity was preserved by the Regulation even before the issue of these executive instructions in the G.O. and they shld. not have been ignored by the R.D.O. in 1888.

As regards the second point, the revision came in the year 1889. The Board had ruled in its Procs. 10221 dated 31-10-1884 that "appointments made at revision became closed questions unless questioned within 3 yrs. by means of a suit under Reg. VI of 1831". This rule was upheld by the Govt. In this case G.Subbarayan was continued at revision and he was dismissed in 1892 and a stranger was appointed to the post. The Subbarayan dismissed in 1887 could, under the Regulation, have brought a suit to set aside the appointment made at the revision and to have some member of his family registered as heir within 3 yrs. of the revision or within three years after the post was filled up in 1892. This he or his legal heirs failed to do. The office shld. therefore be deemed to have been lost to the family for ever. The appellant cannot therefore

sue for the office. The Collr.'s order is correct. The appeal may be dismissed.

B.S.O. 1 & 7
A. 832 of 70

Ms. at. Mo.
19
1911

With the regrouping in 1889 all claims of the appellant's family were extinguished. A suit should have been filed within 3 years to recover the office. This was not done by the plaintiff. Nor was a suit filed within 3 years of attaining majority i.e. about 1909.

Note from top of page may be read A at (U)

The plaintiff was a major by 1906. His suit filed in 1913 was dismissed as premature on the ground that Subbarayan, dismissed in 1887, was still alive. This reasoning was unsound but will not help the appellant, who did not file a suit before the period of limitation expired.

p. 1 ✓ cf. (H)
p. 24 × cf (V).

In fact in 1892 the 2nd defendant in the suit of 1913 Nanjunda ~~Naick~~ Swami, whose place the plaintiff was seeking to fill, had filed a suit, which was dismissed. The suit of 1892 was against Subbarayan, who had apparently been dismissed and out of office on the date of disposal of the suit. P.N. Subbarayan was appointed next and died in 1924.

p. 3 cf. (D1)
p. 3 cf. (G1)
p. 2 cf. (M)

It is unnecessary for the purposes of this suit to decide whether before Act III of 1895 was amended, there was any provision to register a minor at regrouping. In fact Regulation XXIX of 1802 ⊗ the Madras Karnams Regulation ~~Rud. Reg.~~ 1802 × VI of 1831 ⊗ contain no such provision.

× H12-16 R273
⊗ at H281-29 of R&N 34

The second appeal may be dismissed.

(S)
1. 2

An interesting bit of history. But the extinction of the claims of Pliff's family at the re-grouping in 1889 is conclusive, & the 2nd appeal must fail.

ASL(A)

Draft Submitted

GM 18/12

WS 8/12

Dated Mi 504
20.2.60.

Full Board

I.A.	A.D.S. and L.R. Rev.	Assistant Secretary Land Settle- ment.	Sep. Rev.	Jt. Secy	Secy.	M-4.	M-3	M-2	M-1

1. Open file seen by
2. Final draft seen by
3. Now circulated to
4. Initials.

Passed for record.

~~Secretary~~
~~Joint~~ Secretary.

~~A.S. (C.W.)~~

A.S. (L.R.) CB 1-3.60

~~A.S. (Sett).~~ WB 1/3

~~A.S. (Excise)~~

~~A.D.S. & L.R.~~

~~I.A.~~

Note:- Entries not required to be scored out.

1.3.60